


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES JOHN INGRAHAM	:	CIVIL ACTION
	:	
v.	:	NO. 17-5015
	:	
BARRY SMITH, et al.	:	

ORDER

AND NOW, this 26th day of November 2018, upon careful and independent consideration of the Petition for a writ of *habeas corpus* (ECF Doc. No. 1), the Response (ECF Doc. No. 6) and available state court records, the October 29, 2018 Report and Recommendation of United States Magistrate Judge David R. Strawbridge (ECF Doc. No. 7), and finding the Petition (ECF Doc. No. 1) is untimely and tolling is not available, it is **ORDERED**:

1. The October 29, 2018 Report and Recommendation (ECF Doc. No. 7) is **APPROVED** and **ADOPTED**;
2. The Petition for writ of *habeas corpus* (ECF Doc. No. 1) is **DISMISSED**;
3. A certificate of appealability shall not issue as the Petitioner has not demonstrated reasonable jurists would debate the correctness of this procedural ruling;¹ and,
4. The Clerk of Court shall mark this matter **closed**.



KEARNEY, J.

¹ See 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).